

Attorney Docket No. 9310.28CT
In re: Goudsmit et al.
Serial No.: 09/760,085
Filed: January 12, 2001

REMARKS

Claims 16-21, 28-31 and 38-44 are pending in this application. Claims 16, 21, 39, 40 and 41 are amended herein to advance the lengthy prosecution of this application to closure. Support for these amendments is found in the language of the original claims and throughout the specification, as set forth below. It is believed that no new matter is added by these amendments.

Claims 38, 42 and 44 are canceled herein without prejudice to the filing of a continuation application for further prosecution. In particular, cancellation and/or amendment of the present and previously pending claims is not be interpreted as acquiescence to or agreement with previous rejections in the prosecution of claims in subsequent applications, as applicants do not agree with the rejection of the claims as presented in the Amendment of January 6, 2004 as introducing new matter and maintain that the new matter rejection is legally improper and without basis.

In light of the amendments presented herein and the following remarks, applicants respectfully request reconsideration of the pending application, entry of these amendments and allowance of the pending claims to issue.

I. Use of the phrase "consisting essentially of" in the amended claims

Applicants direct the Examiner's attention to MPEP § 2111.03, wherein the phrase "consisting essentially of" is described as meaning that the scope of the claim is limited to the specified materials and "those that do not materially affect the basic and novel characteristics of the claimed invention." In the context of the second liquid of the methods of this invention, this phrase is to be interpreted to mean that the liquid can include materials of this invention that do not affect the functional capabilities of the